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OFFICE OF PETITIONS

In re Application of :
Ryan No. Rakvic, et al. :
Application No. 09/891,523 :
Filed: June 27, 2001 :
Attorney Docket No. 042390.P11236 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 10, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 9, 2006. A Notice of Abandonment was mailed on July 14, 2006

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The present petition lacks item 1. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Effective September 30, 2007, the fee for a petition to revive an unintentionally abandoned application was increased from \$1500 to \$1540. Likewise, the issue fee was increased from \$1400 to \$1440. Since the publication fee remained at \$300, the total fees required for revival of this application was \$3280. Petitioner submitted a payment of \$3200. Since any fee amount paid on or after September 30, 2007, must be paid in the revised amount, the fees submitted on October 12, 2007 were applied first to the requisite \$1540 petition fee, then \$300 for the publication fee, resulting

in a partial issue fee payment of \$1360. It is noted that the petition did not include an authorization to charge the \$80 fee deficiency to a deposit account. Accordingly, the petition cannot be granted until the balance of the issue fee has been paid.

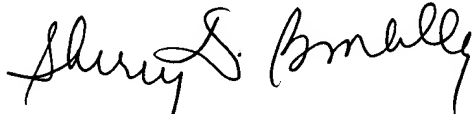
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop PETITION
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" being more prominent than the last name "Brinkley".

Sherry D. Brinkley
Petitions Examiner
Office of Petitions